

IN THE VERMONT SUPERIOR COURT
WASHINGTON COUNTY CIVIL DIVISION

JUVENILE #1 (N.B.),) Case No. 192-4-19 Wncv
Plaintiff,)
) Montpelier, Vermont
-against-)
) April 30, 2019
KENNETH SCHATZ, COMMISSIONER,) 9:04 AM
DEPARTMENT FOR CHILDREN AND)
FAMILIES,)
Defendant.)
_____)

TRANSCRIPT OF COURT TRIAL

BEFORE THE HONORABLE MARY MILES TEACHOUT,
SUPERIOR COURT JUDGE

APPEARANCES:

KERRIE L. JOHNSON, ESQ.
DAWN M. SEIBERT, ESQ.
Attorneys for the Plaintiff

DAVID R. MCLEAN, ESQ.
Attorney for the Defendant

ALSO PRESENT:

GEORGE BELCHER, Guardian Ad Litem
JAY SIMONS, Department for Children and Families
ARON STEWARD, Department for Children and Families

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PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.

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1 A. Very concerned. So again, I -- I am extremely
2 concerned that a young person, particularly who might be obese
3 or have asthma or a combination of the -- both, is going to
4 die from positional asphyxiation, based on those techniques.
5 I'm also concerned that individuals with a trauma history are
6 being retraumatized, which is very damaging to them and -- and
7 probably will result in a pattern of continually acting out in
8 a way that will lead to further trauma -- traumatic
9 situations. And I'm also concerned, actually, about the
10 staff; I feel the way in which they're trained is putting them
11 in positions where they're experiencing trauma themselves --
12 secondary trauma, and that can't be good. It can't be good to
13 have to have situations in which you're putting a young person
14 in pain repeatedly.

15 Q. So are you saying that the staff are experiencing
16 trauma because they're taught to conduct restraints in way
17 that hurts the kids?

18 A. Yes, exactly.

19 Q. Okay. What if I told you that there were two more
20 restraints in April that were problematic and similar, but not
21 quite exactly the same ways as this one?

22 MR. MCLEAN: Objection. This is way beyond the scope
23 of this hearing. This apparently refers to incidents that
24 occurred after the complaint was filed. It's completely
25 irrelevant to the issue in this case as to whether the